

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF WEST VIRGINIA  
ELKINS**

**KIMBERLY LANDIS** and **ALVA NELSON**,  
as parents and guardians of A.N., a minor,

Plaintiffs,

v.

**Civil Action No. 2:11-CV-101  
(BAILEY)**

**HEARTHMARK, LLC**, d/b/a Jarden Home  
Brands, **WAL-MART STORES, INC.**,  
**C.K.S. PACKAGING, INC.**, **PACKAGING  
SERVICE COMPANY, INC.**, and  
**STULL TECHNOLOGIES, INC.**,

Defendants/Third Party Plaintiffs,

v.

**KIMBERLY LANDIS** and **ALVA NELSON**,  
in their individual capacities,

Third Party Defendants.

**ORDER DENYING *DAUBERT* MOTIONS REGARDING  
PLAINTIFFS' EXPERT RUTH RIMMER, Ph.D., CLCP**

Pending before this Court are defendants Hearthmark, LLC and Wal-Mart Stores, Inc.'s Motion to Exclude Life Care Plan and Testimony of Plaintiffs' Expert Ruth Rimmer, Ph.D., CLCP [Doc. 642], filed December 23, 2013, and C.K.S. Packaging, Inc.'s Joinder to ECF No. 642 - Hearthmark, LLC and Wal-Mart Stores, Inc.'s Motion to Exclude Life Care Plan and Testimony of Plaintiffs' Expert Ruth Rimmer, Ph.D., CLCP [Doc. 670], filed January 6, 2014. The Motions have been briefed and the same is ripe for decision.

In the above Motion, the plaintiffs seek to exclude the life care plan and testimony

of plaintiffs' expert Ruth Rimmer under Rule 702 of the Federal Rules of Evidence and ***Daubert v. Merrell Dow Pharms., Inc.***, 509 U.S. 579 (1993).

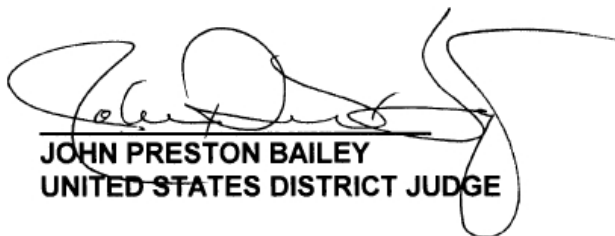
By Order entered September 19, 2013, this Court ordered that no ***Daubert*** motions shall be filed after November 22, 2013 [Doc. 410]. Inasmuch as these Motions were filed over a month after the deadline and in contravention of this Court's Order, the same will be denied.

Accordingly, defendants Hearthmark, LLC and Wal-Mart Stores, Inc.'s Motion to Exclude Life Care Plan and Testimony of Plaintiffs' Expert Ruth Rimmer, Ph.D., CLCP [Doc. 642], filed December 23, 2013, and C.K.S. Packaging, Inc.'s Joinder to ECF No. 642 - Hearthmark, LLC and Wal-Mart Stores, Inc.'s Motion to Exclude Life Care Plan and Testimony of Plaintiffs' Expert Ruth Rimmer, Ph.D., CLCP [Doc. 670], filed January 6, 2014 are **DENIED**.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

**DATED:** January 15, 2014.

  
JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE